



House of Representatives

General Assembly

File No. 631

January Session, 2015

House Bill No. 7005

House of Representatives, April 14, 2015

The Committee on Judiciary reported through REP. TONG of the 147th Dist., Chairperson of the Committee on the part of the House, that the bill ought to pass.

**AN ACT CONCERNING DOMESTIC VIOLENCE OFFENDER
PROGRAM STANDARDS AND INCREASED PROTECTIONS FOR
VICTIMS OF DOMESTIC VIOLENCE.**

Be it enacted by the Senate and House of Representatives in General Assembly convened:

1 Section 1. Section 18-87k of the general statutes is repealed and the
2 following is substituted in lieu thereof (*Effective July 1, 2015*):

3 (a) The Criminal Justice Policy Advisory Commission shall: (1)
4 Develop and recommend policies for preventing prison and jail
5 overcrowding; (2) examine the impact of statutory provisions and
6 current administrative policies on prison and jail overcrowding and
7 recommend legislation to the Governor and the General Assembly; (3)
8 research and gather relevant statistical data and other information
9 concerning the impact of efforts to prevent prison and jail
10 overcrowding and make such information available to criminal justice
11 agencies and members of the General Assembly; (4) advise the
12 undersecretary of the Criminal Justice Policy and Planning Division on
13 policies and procedures to promote more effective and cohesive state

14 criminal justice and juvenile justice systems and to develop and
15 implement the offender reentry strategy as provided in section 18-81w;
16 (5) monitor developments throughout the state's criminal justice
17 system and, not later than February 15, 2009, and annually thereafter,
18 report to the Governor and the General Assembly on the effectiveness
19 of the state's reentry strategy, outcomes achieved under the reentry
20 strategy and the level of integration and coordination of the
21 information technology systems used by the criminal justice agencies
22 and other system-wide issues identified by the commission; (6) not
23 later than February 15, 2009, and annually thereafter, sponsor for all
24 members of the criminal justice community a full-day review of the
25 criminal justice system in the state including progress that has been
26 made within the past year and challenges to be met, which review
27 shall be facilitated by the undersecretary of the Criminal Justice Policy
28 and Planning Division; (7) identify specific needs for reentry services
29 in geographic areas throughout the state; (8) identify institution-based
30 and community-based programs and services that effectively address
31 offender needs and reduce recidivism including, but not limited to,
32 education and training, employment preparation and job bank,
33 transitional health care, family support, substance abuse, domestic
34 violence and sexual offender programs and services; (9) develop a
35 guide to best practices in the provision of reentry services; (10) develop
36 and annually update a plan to ensure the availability of reentry
37 services, which plan may include establishment of community reentry
38 centers; and (11) assist the undersecretary of the Criminal Justice
39 Policy and Planning Division in developing the recommendations
40 included in the report and presentation made by the division pursuant
41 to section 4-68p.

42 (b) The commission shall establish a subcommittee on corrections
43 behavioral health composed of the Commissioner of Correction, the
44 Commissioner of Mental Health and Addiction Services and a
45 representative of The University of Connecticut Health Center having
46 responsibility for the administration of the contract with the
47 Department of Correction concerning the provision of health care
48 services to inmates of the department. The subcommittee shall make

49 recommendations to the commission concerning the provision of
50 behavioral health services to inmates of the Department of Correction.

51 (c) The commission shall establish a subcommittee on correctional
52 staff health and safety composed of the Commissioner of Correction,
53 the Commissioner of Emergency Services and Public Protection and
54 the Commissioner of Mental Health and Addiction Services, or their
55 designees, eight persons appointed one each by the chairpersons and
56 ranking members of the joint standing committees of the General
57 Assembly having cognizance of matters relating to the judiciary and
58 public safety, one representative from each of the three local chapters
59 of labor organizations representing correction officers appointed by
60 such local chapter and one representative from each of the labor
61 organizations representing hazardous duty staff of the Department of
62 Correction appointed by such labor organization. The subcommittee
63 shall review the policies and procedures of the Department of
64 Correction with respect to staff health and safety including, but not
65 limited to, the manner in which: (1) Inmate assaults are investigated,
66 classified and assigned points, (2) data on inmate assaults is collected
67 and compiled, and (3) data on inmate assaults is reported to persons
68 and agencies outside the department. The subcommittee shall submit
69 any recommendations it may have to the commission concerning
70 revisions to such policies and procedures.

71 (d) (1) The commission shall establish a subcommittee on domestic
72 violence offender program standards.

73 (2) The subcommittee shall be composed of (A) the executive
74 director of the Court Support Services Division of the Judicial Branch,
75 the chairperson of the Board of Pardons and Paroles, the Chief State's
76 Attorney, the Chief Public Defender, the Commissioners of Children
77 and Families, Correction and Public Health and the Victim Advocate,
78 or their designees, (B) one representative of an organization that
79 provides services to victims of domestic violence, appointed by the
80 house chairperson of the joint standing committee of the General
81 Assembly having cognizance of matters relating to the judiciary, and

82 (C) one representative of an organization that provides services to
83 persons who have committed acts of domestic violence, appointed by
84 the senate chairperson of the joint standing committee of the General
85 Assembly having cognizance of matters relating to the judiciary.

86 (3) On or before October, 1 2015, and annually thereafter, the
87 subcommittee shall review, and revise as needed, domestic violence
88 offender program standards, provided such standards shall include,
89 but not be limited to: (A) A domestic violence offender program shall
90 be conducted in a manner that promotes the safety and rights of
91 victims; (B) a domestic violence offender program shall be conducted
92 in a manner that places sole responsibility for acts of domestic violence
93 on the offender and holds such offender accountable for his or her acts;
94 and (C) a domestic violence offender program shall be administered in
95 a manner that most effectively facilitates behavior change and
96 cessation of the commission of acts of domestic violence by an
97 offender. The subcommittee shall establish policies and procedures to
98 ensure that all domestic violence offender programs operating in the
99 state are in full compliance with the standards promulgated pursuant
100 to this subsection.

101 Sec. 2. Subsection (g) of section 46b-38c of the general statutes is
102 repealed and the following is substituted in lieu thereof (*Effective July*
103 *1, 2015*):

104 (g) (1) In cases referred to the local family violence intervention unit,
105 it shall be the function of the unit to [(1)] (A) identify victim service
106 needs and, by contract with victim service providers, make available
107 appropriate services that include, but are not limited to, the provision
108 of trauma-informed care by a counselor who provides trauma-
109 informed care, or a referral to a counselor, and [(2)] (B) identify
110 appropriate offender services and where possible, by contract, provide
111 treatment programs for offenders. For purposes of this subsection,
112 "trauma-informed care" means trauma-informed care, as defined in
113 subsection (d) of section 46b-38b.

114 (2) Treatment programs for offenders who are arrested for

115 committing acts of family violence against a family or household
116 member, as defined in subparagraphs (A), (E) or (F) of subdivision (2)
117 of section 46b-38a, shall operate in accordance with the domestic
118 violence offender program standards promulgated pursuant to
119 subsection (d) of section 18-87k, as amended by this act. On and after
120 October 1, 2015, no budgeted agency, as defined in section 4-69, shall
121 operate, contract with, utilize or refer a person to a domestic violence
122 offender program unless such program demonstrates compliance with
123 the standards promulgated pursuant to subsection (d) of section 18-
124 87k, as amended by this act.

125 Sec. 3. Section 54-86d of the general statutes is repealed and the
126 following is substituted in lieu thereof (*Effective July 1, 2015*):

127 Any person who has been the victim of a sexual assault under
128 section 53a-70, 53a-70a, 53a-71, 53a-72a, 53a-72b or 53a-73a, or injury or
129 risk of injury, or impairing of morals under section 53-21, or of an
130 attempt thereof, or family violence, as defined in section 46b-38a, shall
131 not be required to divulge his or her address or telephone number
132 during any trial or pretrial evidentiary hearing arising from the sexual
133 assault or injury or risk of injury to, or impairing of morals of, children,
134 or family violence; provided the judge presiding over such legal
135 proceeding shall find: (1) Such information is not material to the
136 proceeding, (2) the identity of the victim has been satisfactorily
137 established, and (3) the current address of the victim will be made
138 available to the defense in the same manner and time as such
139 information is made available to the defense for other criminal
140 offenses.

141 Sec. 4. Section 54-86e of the general statutes is repealed and the
142 following is substituted in lieu thereof (*Effective July 1, 2015*):

143 The name and address of the victim of a sexual assault under
144 section 53a-70, 53a-70a, 53a-71, 53a-72a, 53a-72b or 53a-73a, or injury or
145 risk of injury, or impairing of morals under section 53-21, or of an
146 attempt thereof, or family violence, as defined in section 46b-38a and
147 such other identifying information pertaining to such victim as

148 determined by the court, shall be confidential and shall be disclosed
149 only upon order of the Superior Court, except that (1) such information
150 shall be available to the accused in the same manner and time as such
151 information is available to persons accused of other criminal offenses,
152 and (2) if a protective order is issued in a prosecution under any of
153 said sections, the name and address of the victim, in addition to the
154 information contained in and concerning the issuance of such order,
155 shall be entered in the registry of protective orders pursuant to section
156 51-5c.

This act shall take effect as follows and shall amend the following sections:

Section 1	<i>July 1, 2015</i>	18-87k
Sec. 2	<i>July 1, 2015</i>	46b-38c(g)
Sec. 3	<i>July 1, 2015</i>	54-86d
Sec. 4	<i>July 1, 2015</i>	54-86e

JUD *Joint Favorable*

The following Fiscal Impact Statement and Bill Analysis are prepared for the benefit of the members of the General Assembly, solely for purposes of information, summarization and explanation and do not represent the intent of the General Assembly or either chamber thereof for any purpose. In general, fiscal impacts are based upon a variety of informational sources, including the analyst's professional knowledge. Whenever applicable, agency data is consulted as part of the analysis, however final products do not necessarily reflect an assessment from any specific department.

OFA Fiscal Note

State Impact:

Agency Affected	Fund-Effect	FY 16 \$	FY 17 \$
Judicial Dept.; Correction, Dept.	GF - Potential Cost	See Below	See Below

Note: GF=General Fund

Municipal Impact: None

Explanation

The bill results in a potential cost by requiring all domestic violence offender programs, operated or contracted by the state, to comply with standards established by the subcommittee on domestic violence offender program standards that is established in this bill. The subcommittee is required to recommend standards by October 1, 2015 and these standards must be adopted by agencies starting the same day. Depending on the recommendations of the subcommittee, this bill may result in costs for hiring additional staff, training, curriculum changes, reconfiguration of physical space, and other possible changes. Currently the Judicial Department spends approximately \$3 million each year for these services.

The Out Years

The annualized ongoing fiscal impact identified above would continue into the future subject to inflation.

OLR Bill Analysis**HB 7005*****AN ACT CONCERNING DOMESTIC VIOLENCE OFFENDER PROGRAM STANDARDS AND INCREASED PROTECTIONS FOR VICTIMS OF DOMESTIC VIOLENCE.*****SUMMARY:**

This bill creates a new 10-member subcommittee within the Criminal Justice Policy Advisory Commission (CJPAC) to (1) annually, starting October 1, 2015, review and revise domestic violence offender program standards and (2) establish policies and procedures to ensure state-wide compliance with such standards.

The bill requires that certain family violence offender treatment programs provided by the Superior Court's local family violence intervention units conform to the adopted standards.

It prohibits budgeted state agencies from operating, contracting with, utilizing, or referring someone to a domestic violence offender program that does not comply with the subcommittee's standards.

It also extends to family violence victims the right to withhold certain confidential information available under existing law to sexual assault victims and victims of injury or risk of injury to, or impairing the morals of, children.

EFFECTIVE DATE: July 1, 2015

DOMESTIC VIOLENCE OFFENDER PROGRAM STANDARDS***CJPAC Subcommittee***

The bill requires CJPAC to establish a subcommittee on domestic violence offender program standards.

The 10-member subcommittee includes:

1. the Judicial Branch's court support services division (CSSD) executive director or his designee;
2. the Board of Pardons and Paroles' chairperson or his designee;
3. the chief state's attorney or his designee;
4. the chief public defender or her designee;
5. the commissioners of the Departments of Children and Families, Correction, and Public Health, or their designees;
6. the victim advocate or her designee;
7. one representative of an organization that provides services to domestic violence victims, appointed by the house chairperson of the Judiciary Committee; and
8. one representative of an organization that provides services to domestic violence offenders, appointed by the senate chairperson of the Judiciary Committee.

Program Standards, Policies, and Procedures

Under the bill, the subcommittee must, starting by October 1, 2015, annually review the domestic violence offender program standards and revise them as needed.

Under these standards, a domestic violence offender program must be:

1. conducted in a manner that (a) promotes victims' safety and rights and (b) places sole responsibility for domestic violence acts on the offender and holds such offender accountable for his or her acts; and
2. administered in a manner that most effectively facilitates behavior change and ends an offender's commission of domestic violence acts.

The subcommittee must establish policies and procedures to ensure that all domestic violence offender programs operating in the state comply with these standards.

Family Violence Intervention Units' Offender Services

By law, under the oversight of CSSD, the local family violence intervention units within the Superior Court accept referrals of family violence cases from a judges or prosecutors. Among other things, the local family violence intervention units must identify appropriate offender services and where possible, by contract, provide treatment programs for offenders.

The bill requires such treatment programs to operate in accordance with the subcommittee's domestic violence offender programs' standards for offenders arrested for committing acts of family violence against certain family or household members. It applies to treatment programs for an offender whose victim is a:

1. spouse or former spouse;
2. person with whom the offender has a child in common, regardless of whether they are or have been married or have lived together at any time; or
3. person who is in, or who has recently been in a dating relationship with the offender.

By law, "family or household members" also includes parents or their children, relatives by blood or marriage, or other people living together or who have lived together. "Family violence" includes incidences resulting in harm or threatened violence between any family or household members (see BACKGROUND).

Budgeted Agencies

Starting on October 1, 2015, the bill prohibits budgeted state agencies from operating, contracting with, utilizing, or referring someone to a domestic violence offender program that does not

comply with the standards established by the subcommittee.

By law, “budgeted agency” means every:

1. department, board, council, commission, institution, or other agency of the state’s Executive Branch;
2. court, council, division, and other agency of the Judicial Branch financed in whole or in part by the state;
3. full-time permanent department or agency of the Legislative Branch; and
4. public and private institution, organization, association, or other agency receiving financial aid from the state.

CONFIDENTIALITY

The bill extends to family violence victims two existing protections existing law gives to certain sexual assault victims.

First, it gives family violence victims the right to withhold their addresses or telephone numbers during any trial or pretrial evidentiary hearing arising from such crime if the presiding judge finds the:

1. information is not material to the proceeding,
2. identity of the victim has been satisfactorily established, and
3. current address of the victim will be made available to the defense in the same manner and time as such information is made available to the defense for other criminal offenses.

Second, the bill requires the names, addresses, and other identifying information of family violence victims be kept confidential, but requires that this information be (1) available to the accused in the same manner and time as such information is available to people accused of other crimes and (2) entered in the protective orders registry, if such an order is issued.

BACKGROUND***Definitions***

“Family violence” is an incident resulting in physical harm, bodily injury or assault, or an act of threatened violence that constitutes fear of imminent physical harm, bodily injury or assault, including stalking or a pattern of threatening, between family or household members. Verbal abuse or argument does not constitute family violence unless there is present danger and the likelihood that physical violence will occur (CGS § 46b-38a(1)).

COMMITTEE ACTION

Judiciary Committee

Joint Favorable

Yea 42 Nay 0 (03/27/2015)